

Remarks

A. Status of the Claims

Independent claims 57 and 63 are revised to further define the water-insoluble pigment as a “colored pigment.” Non-limiting support for this revision can be found in the specification at page 5, lines 15-17, the examples, which use colored pigments, and the title.

Claim 72 is cancelled.

Claim 73 is added, non-limiting support for which can be found in the specification at page 2, lines 10-27 and throughout the specification.

Therefore, claims 45-55, 57-59, and 62-71 are pending, with claims 57-59, 62, and 67-71 being withdrawn from consideration at this time as being directed to a non-elected invention.

B. Written Description Rejection

Applicant requests that the written description rejection be withdrawn in view of the cancellation of claim 72.

C. Obvious Rejections

Applicant appreciates the Examiner’s concession that Knox fails to “inherently teach that [its] latex layer is colored.” Action at page 2. The following statement, however, is made by the Examiner to supplement Knox’s deficiency on this point:

However, Knox does disclose in paragraph 105 that when expose[d] to UV radiation the photochromic organic coating which forms the latex layer does become colored. Therefore, the rejection has been maintained and the following action is non-final.

Id.

The following response addresses this point made by the Examiner, with the understanding that Applicant’s previous arguments are maintained and incorporated into this response by reference.

As noted above, independent claim 63 is revised to further define the water-insoluble pigment as a “colored pigment.” This results in Applicant’s latex being colored irrespective of whether the latex is exposed to ultra-violet light. That is, the claimed latex maintains its color even in the absence of ultra-violet radiation due to the presence of the “colored pigment.” Indeed, the entire specification and corresponding data in the Examples confirm this unique aspect of the claimed invention. In fact, Applicant’s specification distinguishes between its claimed “colored latex” and photochromic substances (such as Knox’s latex) in that said colored latex can be applied to a photochromic substance:

It is therefore an objective of the present invention to provide a colored latex, a method for producing such colored latex, as well as a method for treating a transparent substrate, especially made of organic glass, using said colored latex, so as to overcome the drawbacks of the prior art.

Transparent substrates include photochromic substrates, those that become colored upon exposure to an ultraviolet light, and those that are uncolored, or that are very slightly colored without any ultraviolet light.

Knox at paragraphs [0009]-[0010].

By comparison, Knox plainly and unequivocally informs its readers that its photochromic latex is specifically designed to be colorless or transparent in the absence of ultra-violet radiation and to become colored in the presence of said radiation. Indeed, this is a “critical” aspect of Knox’s photochromic latex:

The use of photochromic organic coatings on plastic substrates, particularly plastic substrates such as thermoplastic polycarbonates, has been described. Any organic polymeric material that is compatible with the chosen organic substrate and which will function as a host material for the organic photochromic materials or compounds chosen for use can be used as the material for the photochromic coating. Desirably, the host organic polymeric coating has sufficient internal free volume for the photochromic material to **function efficiently, e.g., to change from a colorless form to a colored form that is visible to the naked eye in response to ultraviolet (UV) radiation, and to change back to the colorless form when the UV radiation is removed. Otherwise, the precise chemical nature of the organic coating that is used as the host material for the photochromic material(s) is not critical.**

Knox at paragraph [0105]. Given the above passage, Applicant respectfully submits that it cannot be argued that Knox provides a latex with a colored pigment that results in a “colored latex” as presently claimed. The inclusion of such a material in Knox’s latex would be antithetical to the operation of Knox’s photochromic latex, in which coloring is conditional on the presence of ultra-violet radiation.

Further, the argument presented by the Examiner that it would have been obvious to include a colored pigment in Knox’s latex in view of Turek (US 2004/0246436) is respectfully improper. As noted in the above block quote, Knox plainly explains that the purpose of its photochromic latex is to go from a colorless state to a colored state in response to ultra-violet radiation and then to go back to a colorless state. If Knox’s latex were modified to be permanently colored *via* the additional of Turek’s colored pigment, then the purpose of Knox’s latex would be destroyed. Further, it would change the basic way of achieving color to Knox’s latex—*i.e.*, to go from conditionally colored in response to ultra-violet radiation to permanently colored. The MPEP cautions against such modifications in two separate sections, both of which are relevant to the present rejections:

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. [MPEP § 2143.01(V)].

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. [MPEP § 2143.01(V)].

With respect to newly added dependent claim 73, nothing in the cited art teaches or suggests modifying Knox such that its coated lens has a relative light transmission factor in the visible range T_v of less than 20%. Indeed, if Knox’s lenses were modified in such a manner,

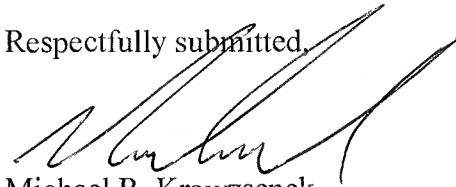
then they would lose their "colorless" aspect, which would be detrimental to the purpose of said lenses (see above).

D. Conclusion

Applicant respectfully requests that all of the obvious rejections be withdrawn. Each rejection relies on Knox as the primary reference. The cited secondary references do not supplement the deficiencies of Knox. As such, it would be improper to maintain the obvious rejections.

Applicant believes that the present case is in condition for allowance and such favorable action is requested. The Examiner is invited to contact the undersigned attorney at (512) 536-3020 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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